IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MICHAEL B. KING, Plaintiff	:	CIVIL ACTION
vs.	:	1:91-cv-1770-HTW
BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA, et al., Defendants	:	

ORDER OF COURT

This matter is before this court on plaintiff's motion to compel deposition, plaintiff's motion to extend discovery and plaintiff's motion to extend the time to respond to defendants' motion for summary judgment. This matter is also before this court on defendants' first and second motions for a protective Order and to stay discovery.

FACTS

Plaintiff in this matter has filed a complaint challenging defendants' denial of his application for readmission to the Georgia State University School of Law, (hereinafter "law school"). In an earlier suit raising the same issues as those arising in the instant matter, plaintiff challenged his original dismissal from the law school. King v. Board of Regents, Civil action No. 1:88-cv-570-RHH, Order of Hall, J., (January 19, 1990), aff'd, 925 F.2d 1475, (11th Cir. 1991). cert. den., 112 S.Ct. 82 (1991). In that case, Judge Hall granted the defendants' motion for summary judgment, thereby dismissing plaintiff's lawsuit.

Plaintiff initially enrolled in the law school in September, 1984. In the spring of 1986, the law school dismissed plaintiff for his failure to maintain the requisite grade point average. Plaintiff subsequently petitioned the Committee on Student Affairs for readmission, and the

Committee granted his request. Plaintiff remained on academic probation, however, for three quarters, and during that period, his grade point average continued to drop. The law school consequently refused to permit plaintiff to continue his matriculation at the school.

Plaintiff then petitioned the Committee on Student Affairs for the right to continue his legal education at the law school, and the Committee denied his application. He then appealed the Committee's decision to Dean Marjorie Knowles, Vice-President Brewer, Acting President Suttles, and the Board of Regents. All denied his appeal.

Following that denial, plaintiff filed his first lawsuit against the school in March, 1988, alleging the same causes of action as he now alleges in his instant complaint. The court dismissed that lawsuit by granting the defendants' motion for summary judgment, and on appeal the Eleventh

Circuit affirmed. The United States Supreme Court denied plaintiff's petitions for certiorari and rehearing.

In 1989, plaintiff once again sought admission to the law school, but applied too late for consideration for the class of 1989-90. The Admissions Committee, however, considered plaintiff's application in the spring of 1990 for admission to the class of 1990-91, but nonetheless denied plaintiff admission.

Plaintiff then appealed the Admission Committee's decision to Dean Knowles, Dean of the Law School. Knowles upheld the Committee's decision, stating that she found no indication of arbitrariness, discrimination or other unlawful rationale in the Committee's decision to deny plaintiff's entry to the law school. Plaintiff then appealed Knowles' decision to Dr. Fred Massey, Acting Vice-President for Academic Affairs; Massey upheld the decisions of both Knowles and the Committee.

King subsequently appealed Massey's determination to President Palms; Palms again upheld the decision. Plaintiff finally took his appeal to the Board of Regents of the University System, who, acting as a body, evaluated the record and then upheld the Committee's determination. In March, 1988, plaintiff filed a complaint in this court challenging the decision, and, as already noted, Judge Hall dismissed the case by granting defendants' motion for summary judgment. In 1991, plaintiff filed another complaint in this court, again challenging the law school's decision to deny his application for readmission.[1]

Plaintiff has now submitted to this court not only a motion to compel defendants' deposition, but a motion to extend discovery and a motion to extend the time to respond to defendants' motion for summary judgment. Defendants,

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[1] In this lawsuit, certain of the defendants differ from those named in the original suit.,

by contrast, have filed a first and second motion for protective Order and to stay discovery.

Defendants now asset that plaintiff "is unwilling to cooperate in the usual attorney-to-attorney cooperative spirit." This court has carefully reviewed plaintiff's history of litigation in this court, and notes that the prior litigation involved an extensive production of documents on the same issue as that alleged in the instant case.

CONCLUSION

This court also notes that plaintiff has asked this court to compel defendants' deposition for January 27, 1992. Since that date has not passed, plaintiff's motion to compel deposition becomes moot, and this court accordingly DENIES that motion as MOOT. This court also DENIES plaintiff's motion to extend discovery and motion to extend the time to respond to defendants' motion for summary judgment. This

court also GRANTs defendants' first and second motions for a protective Order and to stay discovery.

At this stage, therefore, this court awaits plaintiff's response to defendants' motion for summary judgment.

SO ORDERED, this 5th day of February, 1992.

HORACE T. WARD
UNITED STATES DISTRICT JUDGE